

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MONROE JONES,

Plaintiff,

BRIAN WARD, *et al.*,

Defendant.

Case No. 3:16-cv-00112-MMD-VPC

**ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
VALERIE P. COOK**

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 42) ("R&R"), recommending dismissal with prejudice. Plaintiff had until June 1, 2017, to file an objection. (ECF No. 42.) To date, no objection to the R&R has been filed.¹

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See

¹The R&R (ECF No. 42) and the last order entered by the Court (ECF No. 41) that were mailed to Plaintiff were returned as undeliverable. (ECF No. 43.)

1 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
2 of review employed by the district court when reviewing a report and recommendation to
3 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
4 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
5 view that district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
11 determine whether to adopt Magistrate Judge Cooke's R&R. The R&R recommends that
12 this action be dismissed with prejudice based upon Plaintiff's failure to comply with LR IA
13 3-1. LR IA 3-1 requires pro se parties like Plaintiff to immediately notify the Court of any
14 change in Plaintiff's contact information. To date, Plaintiff has not notified the Court of
15 his current mailing address. The Court agrees with the Magistrate Judge's
16 recommendation.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge Valerie P. Cooke (ECF No. 42) is accepted and
19 adopted in its entirety.

It is ordered that this action is dismissed with prejudice.

21 || It is further ordered that the Clerk close this case.

22 DATED THIS 8th day of June 2017.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE